



## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Michael P. Tierney  
Telephone: (703) 308-9797  
Facsimile: (703) 305-0942

**MAILED****APR 29 2002**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Applicants: Hertzog et al.  
Application No.: 09/865,190  
Filed: 01/17/01  
For: Decomposition of Cumene Oxidation  
Product

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 104,831.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

A handwritten signature in cursive script, appearing to read "Michael P. Tierney", is written over a horizontal line.

Michael P. Tierney  
Administrative Patent Judge

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper 1

Filed by: Michael P. Tierney  
Administrative Patent Judge  
Box Interference  
Washington, D.C. 20231  
Tel: 703-308-9797  
Fax: 703-305-0942

Filed  
April 29, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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VLADIMIR M. ZAKOSHANSKY  
Junior Party  
(U.S. Application 08/545,092),

v.

RICHARD R. HERTZOG, STYLIANOS SIFNIADES  
AND WILLIAM B. FISHER  
Senior Party,  
(U.S. Application 09/865,190).

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Patent Interference No. 104,831

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**NOTICE DECLARING INTERFERENCE**  
(37 CFR § 1.611)

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

**Part B. Judge designated to handle the interference**

Administrative Patent Judge Michael P. Tierney has been designated to handle the interference. 37 CFR § 1.610(a).

**Part C. Standing order**

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

**Part D. Conference call to set dates**

A telephone conference call to set dates for taking action in the interference is scheduled for **10:30 a.m. on July 10, 2002** (the call will be initiated from the PTO). *During the conference call the parties may be invited to participate in the electronic filing pilot program.* See generally, *University of New Mexico v. Fordham University*, Interference No. 104,761, (Paper No. 21) at <http://www.uspto.gov/web/offices/dcom/bpai/its.htm>.

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

**Part E. The parties involved in this interference are:**

Junior Party

Named inventors: Vladimir M. Zakoshansky, IN

Application: U.S. Patent Application No. 08/545,092, filed October 19, 1995

Title: Method for the Decomposition of Cumene Hydroperoxide by  
Acidic Catalyst to Phenol and Acetone

Assignee: General Electric Company

Accorded Benefit: U.S. Patent No. 5,254,751, issued on October 19, 1993 based upon  
U.S. Application No. 07/944,688, filed September 14, 1992

Attorneys: See last page

Address: See last page

Senior Party

Named inventors:        Richard R. Hertzog, NJ  
                              Stylianos Sifniades, NJ  
                              William B. Fisher, NJ

Application :            U.S. Patent Application No. 09/865,190, filed July 23, 2001

Title:                    Decomposition of Cumene Oxidation Product

Assignee:                Sun Company, Inc.

Accorded Benefit:       U.S. Application No. 08/601,879, filed February 15, 1996  
                              U.S. Application No. 08/333,929, filed November 3, 1994  
                              U.S. Application No. 08/203,845, filed February 28, 1994  
                              U.S. Application No. 07/920,811, filed July 24, 1992  
                              U.S. Application No. 07/297,333, filed January 17, 1989

Attorneys:              See last page

Address:                 See last page

**Part F. Count and claims of the parties**

Count 1

A method according to claims 1, 2, 3, 4, 10, 11, 16, 27, 28, 33, 37 and 39 of U.S.  
Application 08/545,092

or

A method according to claims 7, 11, 14, 17, 25, 26, 29, 31, 32, 33, 36 and 43 of U.S.  
Application 09/865,190.

Count 2

A composition according to claims 21 and 22 of U.S. Application 08/545,092

or

A composition according to claim 27 of U.S. Application 09/865,190.

Count 3

A composition according to claim 38 of U.S. Application 08/545,092

or

A composition according to claim 39 of U.S. Application 09/865,190.

The claims of the parties are:

Hertzog, U.S. Application 09/865,190: 7-43  
Zakoshansky, U.S. Application 08/545,092: 1-31 and 33-39

The claims of the parties which correspond to Count 1 are:

Hertzog, U.S. Application 09/865,190: 7-26, 29-38 and 43  
Zakoshansky, U.S. Application 08/545,092: 1-20, 27-31, 33-37 and 39

The claims of the parties which **do not** correspond to Count 1 are:

Hertzog, U.S. Application 09/865,190: 27-28 and 39-42  
Zakoshansky, U.S. Application 08/545,092: 21-26 and 38

The claims of the parties which correspond to Count 2 are:

Hertzog, U.S. Application 09/865,190: 27 and 28  
Zakoshansky, U.S. Application 08/545,092: 21-26

The claims of the parties which **do not** correspond to Count 2 are:

Hertzog, U.S. Application 09/865,190: 7-26 and 29-43  
Zakoshansky, U.S. Application 08/545,092: 1-20, 27-31, 33-39

The claims of the parties which correspond to Count 3 are:

Hertzog, U.S. Application 09/865,190: 39-42  
Zakoshansky, U.S. Application 08/545,092: 38

The claims of the parties which **do not** correspond to Count 3 are:

Hertzog, U.S. Application 09/865,190: 7-38 and 43  
Zakoshansky, U.S. Application 08/545,092: 1-31, 32-37 and 39

**Part G. Heading to be used on papers**

The following heading shall be used on papers filed in the interference. See § 18 of the  
STANDING ORDER.

Paper \_\_\_\_<sup>1</sup>

Filed on behalf of [name of party]  
By: Name of lead counsel, Esq.  
Name of backup counsel, Esq.  
Street address  
City, State, and Zip-Code  
Tel:  
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

VLADIMIR M. ZAKOSHANSKY  
Junior Party  
(U.S. Application 08/545,092),

v.

RICHARD R. HERTZOG, STYLIANOS SIFNIADES  
AND WILLIAM B. FISHER  
Senior Party,  
(U.S. Application 09/865,190).

Patent Interference No. 104,831 (MPT)

TITLE OF PAPER

<sup>1</sup> Leave a blank line because the board assigns the paper number.



**Part H. Summary of dates for taking action**

Times for taking action are set out in the following sections of the STANDING ORDER:

1. § 7: date for identifying lead and backup counsel.
2. § 8: date for identifying any real party in interest.
3. § 9: date for requesting copies of involved and benefit applications and patents.
4. § 17: date for filing list of proposed preliminary motions.
5. § 19: date for accomplishing certain discovery.
6. § 20: date for filing clean copy of claims.
7. § 21: date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
8. § 23: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
9. § 33: date for objecting to admissibility of evidence.
10. § 34: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
11. § 35: dates when cross-examination can take place.
12. § 45: dates for taking action with respect to settlement discussions

**Part I. Order form for requesting file copies**

**FILE COPY REQUEST**

Interference 104,831

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPO Deposit Account No. \_\_\_\_\_
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

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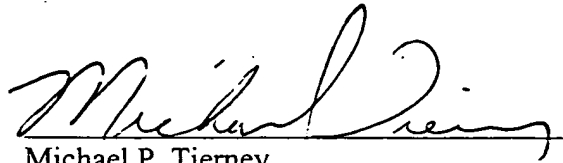
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Telephone, including area code: \_\_\_\_\_

**Part J. Signature of administrative patent judge**

  
Michael P. Tierney  
Administrative Patent Judge

Date: 4/23/02  
Arlington, VA

Enc:<sup>2</sup>

**Copy of STANDING ORDER**

Copy of order used for setting times for taking action in the preliminary motion phase of the interference

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference

Copy of claims 7-43 of Hertzog, U.S. Application 09/865,190

Copy of claims 1-31 and 33-39 of Zakoshansky, U.S. Application 08/545,092

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<sup>2</sup>No Rule 690(b) or Form PTO-850 is enclosed.

cc (via Federal Express):

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